

Message Text

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SUBJECT: 5TH UN CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT
OF OFFENDERS; SEPTEMBER 9

BEGIN SUMMARY. ALL CONGRESS SECTIONS REVIEWED DRAFT
REPORTS. THERE WAS THE USUAL BICKERING OVER WHAT
HAD BEEN SAID AS OPPOSED TO WHAT APPEARED IN PRINT.
USDEL EDITH FLYNN DID EXCELLENT JOB OF MONITORING
SECTION I. RAPPORTEUR IN SECTION II WROTE REPORT
BEFORE ARRIVING AT CONFERENCE WHICH CREATED CONFLICT
IN THE GROUP. USSR AND SOVIETS ATTACKED CHILE ON
ISSUE OF TORTURE IN SECTION III. CONGRESSMAN HUNGATE
MADE INTERVENTION IN FOURTH SECTION REQUESTING MORE
INFORMATION ON COMPENSATION FOR CRIME VICTIMS.
END SUMMARY.

1. SECTION I CRIME AS BUSINESS: ORGANIZED CRIME, WHITE
COLLAR CRIME AND CORRUPTION -- ADOPTION OF REPORT. 13 DELS
INTERVENED WITH EDITONAL CHANGES IN REPORT. ALL CHANGES REQUESTED
BY USDEL FLYNN WERE ACCEPTED. UK PROPOSED ALL RECOMMENDATIONS BE
CALLED CONCLUSIONS TO INDICATE SECTION I IDENTIFIED GENERAL TRENDS
BUT PARTICIPANTS WERE NOT NECESSARILY IN AGREEMENT. PROPOSAL WAS
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ACCEPTED. SYRIA OBJECTED TO UK PROPOSAL AND U.S. DEL ANTICIPATES

ISSUE WILL BE RAISED IN PLENARY.

2. SECTION II CRIMINAL LEGISLATION, JUDICIAL PROCEDURES, OTHER FORMS OF SOCIAL CONTROL -- DRAFT REPORT. SECTION II REVIEWED AND ACTED ON THE DRAFT REPORT CONCERNING CRIMINAL LEGISLATION, JUDICIAL PROCEDURES, AND OTHER FORMS OF SOCIAL CONTROL. THERE WAS EXTENSIVE AND CRITICAL DISCUSSION OVER THE TEXT, SOME OF WHICH WAS ANTICIPATED BY THE RAPPOREUR IN HIS OPENING COMMENTS. AUSTRIAN DEL STRESSED THAT THE REPORT DID NOT REFLECT WHAT ACTUALLY TRANSPIRED IN THE SECTION MEETINGS AND DID NOT PRESENT A BALANCED VIEW. DENMARK, WEST GERMANY, UK, AUSTRALIA, ARGENTINA EXPRESSED THIS SAME VIEW. BECAUSE OF THE FOREGOING OBJECTIONS PROPOSAL WAS CONSIDERED THAT A DRAFTING COMMITTEE BE FORMED TO REVISE THE REPORT TO THE EXTENT NECESSARY. AN ALTERNATIVE PROPOSAL WAS THAT THE RAPPOREUR REDRAFT THE REPORT FOR REVIEW BY A SMALL COMMITTEE. BULGARIAN DEL OBSERVED THAT RULE II GOVERNING PROCEDURES STATES THAT THE SECTION NEED ONLY CONSIDER FOR ADOPTION THE CONCLUSIONS AND RECOMMENDATIONS OF THE DRAFT REPORT. THE SECTION, THEREFORE AND THEREAFTER, CONFINED ITS ATTENTION TO PARAGRAPH 74-76 OF THE DRAFT REPORT. THE PROPOSED RECOMMENDATIONS ARE VERY GENERAL AND NON-CONTRAVERSIAL IN NATURE. WITH LARGELY SEMANTIC CHANGES OF TEXT, ORIGINAL SENSE OF THE CONCLUSION WAS APPROVED. ONE ADDITIONAL CONCLUSION WAS PROPOSED, SPECIFICALLY THAT ANY CHANGE IN THE PENAL SYSTEM OR THE APPLICATION OF ITS PROCEDURES MUST GIVE DUE RESPECT TO HUMAN RIGHTS AND FUNDAMENTAL FREEDOM OF ALL PERSONS INVOLVED. THIS WAS ADOPTED BY A VOTE OF 31(US) - 0 - 2. THE SECTION WAS ASSURED THAT IT WILL BE TRANSMITTED WITH A STATEMENT THAT ONLY THE CONCLUSION AND RECOMMENDATIONS WERE ADOPTED AND THAT THE TEXT OF THE REPORT IS THE WORK ONLY OF THE RAPPOREUR.

SECTION III ROLES OF POLICE AND OTHER LAW ENFORCEMENT AGENCIES -- DRAFT REPORT. USSR AND CUBAN DELS OBJECTED TO THE REPORT STATING THEY HAD NOT RECEIVED IT SOON ENOUGH TO ANALYZE IT SUFFICIENTLY. THE USSR DEL STATED THE SOVIETS COULD NOT FULLY SUPPORT THE REPORT BECAUSE IT DID NOT ANSWER THE QUESTIONS CONSIDERED DURING THE CONGRESS NAMELY THE EMERGING ROLE OF POLICE. THE CONSENSUS OF THE DELS WAS TO SUPPORT THE SUBSTANCE OF THE REPORT AND TO COMMEND THE RAPPOREUR AND HIS ASSOCIATES FOR COMPLETING A DIFFICULT TASK UNDER TRYING CIRCUMSTANCES. THE CHAIRMAN CONCLUDED

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MEETING BY ASKING THE RAPPOREUR TO REVIEW HIS NOTES AND DEVELOP A NEW DRAFT REPORT TAKING INTO CONSIDERATION THE SUGGESTIONS MADE.

SECTION IV AGENDA ITEM 8(D) PROTECTION OF ALL DETAINEES AGAINST TORTURE AND OTHER INHUMAN TREATMENT. TWENTY-SEVEN DELS, AS WELL AS OBSERVERS, NGO'S, AND INDIVIDUAL PARTICIPANTS, MADE STATEMENTS ON ISSUE OF TORTURE AND RELATED QUESTIONS. (PLO INTERVENTION REPORTED GENEVA 6923). ALMOST ALL DELS EXPRESSED

POSITIVE SUPPORT FOR DUTCH-SWEDISH DRAFT DECLARATION REPORTED (GENEVA 6818) AND NONE OPPOSED IT. SOME DELS OFFERED AMENDMENTS OF SOME SUBSTANCE AND THERE WERE OF COURSE MANY DRAFTING SUGGESTIONS. DECLARATION'S SPONSORS ARE ATTEMPTING TO SORT OUT AMENDMENTS AND ACCOMMODATE VARYING VIEWS IN SO FAR AS POSSIBLE AND HOPE TO PRODUCE FINAL DRAFT BY LATE SEPT. 10. USDEL (CRAWFORD) MADE STATEMENT IN SUPPORT OF DRAFT DECLARATION AS EFFECTIVE MEANS OF KEEPING INTERNATIONAL ATTENTION FOCUSED ON TORTURE ISSUE. FRENCH DEL, ALONG WITH SOME OTHERS, OBJECTED TO LIMITATION OF APPLICATION TO "PUBLIC OFFICIALS" (ARTS. 1, 8, AND 11). FRENCH ALSO OBJECTED TO SINGLING OUT OF POLICE AS THOSE IN NEED OF SPECIAL TRAINING (ART.5).

GREEK DEL SAID THAT IN LIGHT OF ITS RECENT HISTORY EFFECTIVE SANCTIONS

AGAINST TORTURE ARE NEEDED BUT THEY ARE NOT PRESSING FOR SUCH IN THIS DECLARATION. EASTERN EUROPEAN DELS (CZECHOSLOVAKIA SEEMED TO BE SPOKESMAN) OBJECTED TO ART XIII AS SUPERFLUOUS. THERE HAVE BEEN SOME SUGGESTIONS THAT ART. 12 BE REWORDED SO AS TO EXCLUDE STATEMENTS OF THIRD PERSONS EXTRACTED BY TORTURE AS WELL AS STATEMENTS

OF PERSON DIRECTLY CONCERNED IN THE PROCEEDING, BUT OUTCOME OF THIS DELEATE NOT YET CLEAR.

UN CONSULTANT BASSIOUNI (USA) POINTED OUT AT BEGINNING AND END OF SESSION THAT CONGRESS HAD NOT YET DEALT WITH GA RES. 3218'S SPECIFIC REQUEST FOR ELABORATION OF STANDARD MINIMUM RULES OR SECRETARIAT'S PROPOSAL TO AMEND RULES 4 AND 84, BUT HIS REMARKS SEEMINGLY FELL ON DEAF EARS. HE ALSO STRESSED THAT DRAFT DECLARATION UNDER CONSIDERATION NOT JURIDICALLY BINDING.

COMMENT: ON BASIS OF PUBLIC DISCUSSION AND PRIVATE CONSULTATIONS, USDEL BELIEVES DECLARATION THAT WILL EMERGE WILL STILL BE BASICALLY SATISFACTORY DOCUMENT THAT WE UNCLASSIFIED

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CAN SUPPORT. BOTH THE FACT THAT DECLARATION, EVEN IF APPROVED BY GA, WOULD NOT BE LEGALLY BINDING AND THE REPEATED ASSERTIONS OF SPONSORS (ESPECIALLY IN REPLY TO US SUGGESTION IN DRAFTING GROUP THAT CONGRESS NOT ENDORSE SPECIFIC TEXT) THAT DECLARATION WILL BE SUBJECT TO AMENDMENT IN GA WILL OFFER ADEQUATE SCOPE FOR REFINING CONCEPTS AND TIGHTENING LANGUAGE.

CUBAN DELEGATION SUPPORTED DRAFT DECLARATION, ALSO PROPOSED THAT CONGRESS CONDEMN FASCIST GOVERNMENT OF CHILE. GDR AND CZECH DELEGATIONS ECHOED THIS SENTIMENT, THOUGH NOT IN SUCH SPECIFIC TERMS. CZECHS TOOK NOTE OF CHILE'S REFUSAL TO ACCEPT HUMAN RIGHTS COMMISSION WORKING GROUP. (LIST OF CONGRESS PARTICIPANTS LATER THAN THAT REFERRED TO IN GENEVA 6924 INCLUDES CHILE, BUT CHILE DEL HAS NOT BEEN IN EVIDENCE AT MEETINGS.)

SECTION V ECONOMIC AND SOCIAL CONSEQUENCES OF CRIME: NEW CHALLENGES FOR RESEARCH AND PLANNING. THIS SESSION WAS A CONTINUATION OF DISCUSSION PREVIOUSLY COMMENCED ON "MINIMIZING AND REDISTRIBUTING THE COSTS OF CRIME AND CRIME CONTROL". 18 INTERVENTIONS CENTERED AROUND THE PLANNING PROCESS AS A METHOD OF MINIMIZING AND REDISTRIBUTING CRIME COSTS. MOST AGREED THAT PLANNING WAS NECESSARY, BUT THAT IT WOULD VARY FROM COUNTRY TO COUNTRY BECAUSE OF DIFFERENT STAGES OF DEVELOPMENT, DIFFERENT PHILOSOPHIES AND DIFFERENT OBJECTIVES.

THE OFFICIAL UNITED STATES INTERVENTION WAS MADE BY CONGRESSMAN WILLIAM L. HUNGATE WHO ADVISED THAT WE WERE PRESENT TO LISTEN AND LEARN. HE NOTED SOME DEVELOPMENT OF A LEGISLATIVE NATURE IN THE U.S., E.G., S.1. HE ALSO INVITED COMMUNICATIONS TO THE U.S. ON METHODS OF COMPENSATING VICTIMS OF CRIME, AN IDEA NOW PENDING IN CONGRESS.
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